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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DRAPER, DEANN L

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,973

Applicant(s)

ZADOK, ADAM

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Acknowledgements

The Information Disclosure Statements filed on March 14, 2002 and February 11, 2003 are acknowledged.

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: Species I, an anti-roll suspension system, and Species II, an anti-roll double wishbone suspension system.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 12 are generic.

During a telephone conversation with Freling Baker on November 13, 2003, a provisional election was made with traverse to prosecute the invention of Species I, claims 1 – 9 and 12 - 19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10, 11, and 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

The abstract of the disclosure is objected to because in line 7, “lift” should be --lifts-- and “lower” should be --lowers--. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: on page 2, line 6 of the third paragraph, “tends” should be --tend--.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities: in lines 7-8, “said anti said roll linkage” should be --said anti roll linkage--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 9 and 12 – 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 12 recite the limitation "the spring" and “the down force side” in line 9, and “the up force side” in line 10. Claim 3 recites the limitation “said spring” in line 1. There is insufficient antecedent basis for these limitations in the claims.

Also, in Claims 1 and 12, the applicant claims a “down force side of the chassis” and an “up force side of the chassis”. This language is confusing and it is unclear as to what the “up/down force side” of the chassis actually is. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 7, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kolbe (US 2,689,747). Kolbe discloses a vehicle with two laterally spaced front wheels and two laterally spaced rear wheels (2 in Fig. 1), an independent axle assembly for mounting the front wheels (3 in Fig. 1), an independent axle assembly for mounting the rear wheels (3 in Fig. 1), a spring assembly where the spring is a coil compression spring normally disposed in a substantially vertical orientation (15 in Fig. 2), a moveable arm connected between each spring assembly and the chassis (6 in Fig. 2), and an anti roll linkage connected to the chassis and to the moveable arm (4, 10 in Fig. 2), where the linkage is structured to translate a lateral movement of the chassis to a vertical downward movement of the moveable arm to the spring (see Fig. 3). Kolbe's linkage also comprises a "bell crank" (4 in Fig. 3) having one arm connected to an axle assembly, and the linkage is interconnected between laterally spaced wheels by a tie link (16 in Fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbe as applied to claim 5 above, and further in view of Fujita (US 4,632,413). Kolbe discloses the suspension system as claimed, however the spring assemblies are not a McPherson strut. Fujita discloses a body banking suspension apparatus, with a steering box for the front wheels mounted on a tie link (see attachment) in order to provide ease in steering a vehicle, and a spring assembly using a McPherson strut (28 in Fig. 5) in order to provide a smoother ride for a vehicle passenger. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kolbe by adding a steering box to provide ease in steering, and to use McPherson struts to provide a smoother ride, as taught by Fujita.

Allowable Subject Matter

Claims 2, 3, and 13 – 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee (US 5,431,429 and 5,620,199) discloses a suspension system for a vehicle. Luger (US 5,048,858) discloses a wheel suspension system for the front wheels of a motor vehicle. Smyers (US 4,546,997) discloses a vehicle steering and suspension system. Blondelet et al. (US 6,467,783) discloses a motor vehicle equipped with a system for controlling the camber of the wheels of the vehicle on a bend. Carlstedt et al. (US 6,585,275) discloses an

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assembly for adjusting roll rate responsible to changing steering angle. Woo (US 6,193,250) discloses a camber angle control type suspension system. Greenberg (US 4,515,390) discloses a chassis and suspension system for vehicles. Van der Knaap et al. (US 6,056,303) discloses a mass spring system with roll pitch stabilization for use in vehicles. Orton (US 5,324,056) discloses a high performance automobile suspension.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939. The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

DEANNA L. DRAPER
PATENT EXAMINER

dld


 11/17/03
PAUL N. DICKSON
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FIG. 5

